

**MINUTES OF THE LAFAYETTE COMMON COUNCIL  
DECEMBER 6, 1999  
REGULAR SESSION**

The Common Council of the City of Lafayette, Indiana met in regular session on Monday, December 6, 1999, at 7:00 p.m. in the City Hall Council Chambers, 20 North 6th Street, Lafayette, Indiana.

President Probasco called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was given to the flag of our Country.

The following members were:

Present: Boehning, Meyer, Phillips, Probasco, Campbell, Brown, Rhoda, Fisher, Smith

Absent: None

The Clerk stated that there was a quorum present.

City Clerk Lisa Decker and City Attorney Eric Burns were present.

Councilman Campbell moved to recess for public hearings on Ordinance 99-43 and Resolution 99-34, Councilman Fisher seconded. The motion passed by unanimous voice vote. Wayne Meyer, 801 Shawnee Avenue, owner of Scrub-a-Duds, spoke in opposition to Ordinance 99-43. There was no public comment on Resolution 99-34. Councilman Campbell moved to reconvene the regular session, Councilman Fisher seconded. The motion to reconvene passed by unanimous voice vote.

Councilman Phillips moved to approve the minutes of the September 13, 1999 regular session, Councilman Rhoda seconded. Councilman Fisher stated that there was a scrivener's error in the public hearing portion of Resolution 99-25 where the word "abate" should be "abatement." The scrivener's error was accepted by unanimous voice vote. The minutes with the approved scrivener's error were approved by unanimous voice vote. Councilman Boehning moved to approve the minutes of the November 8, 1999 regular session, Councilman Smith seconded. The minutes were approved by unanimous voice vote.

The Clerk stated that there were no Presentations or Disposal of Claims or Presentations of Petitions or Communications.

The Clerk stated that the following reports are available in the Clerk's Office:

Clerk's Office Monthly Report– October 1999

Controller's Office Monthly Report – October 1999

Motor Vehicle Report – October 1999

Police Traffic Report – October 1999

Miscellaneous Monthly Department Reports

***Ordinances for Second Reading:***

The Clerk read Ordinance 99-43 (An Amendment to Ordinance 85-21 "Sewerage Service, Wastewater Control and Treatment" as Amended) by title only for second and final reading. Councilman Campbell moved for passage, Councilman Rhoda seconded.

Councilman Meyer inquired about the long-term travel plans for the department. Brad Talley, Wastewater Superintendent, stated that regulations are changing rapidly and the city must keep up with new training opportunities. Mr. Talley stated that the money was moved from consulting to travel. Councilman Meyer stated that salaries have increased and Mr. Talley stated that an Assistant Superintendent position has been added. Ordinance 99-43 passed 8-0 on a roll call vote.

The Clerk read Ordinance 99-45 (An Ordinance Revising the Parking Ordinance in the City of Lafayette, Indiana) by title only for second and final reading. Councilman Smith moved for passage, Councilman Rhoda seconded. Councilman Boehning moved to amend Ordinance 99-45 in its entirety pursuant to a Memorandum dated December 1, 1999, Councilman Phillips seconded. Steve Klink, Parking Commission member, stated that the City Attorney clarified many issues. The amendment passed 8-0 on a roll call vote. Mr. Klink thanked council for their support of the ordinance. Councilman Smith thanked the parking commission and the Redevelopment Department for their hard work. Ordinance 99-45, as amended, passed 7-1 on a roll call vote, with the vote being as follows:

Ayes: Boehning, Phillips, Campbell, Brown, Rhoda, Fisher, Smith  
Nays: Meyer

***Ordinances for First Reading:***

The Clerk read Ordinance 99-46 (An Ordinance to Vacate a Public Way in the City of Lafayette, Indiana, Petitioner, Daniel C. and Beth Ann Terry) by title only for first reading. Councilman Meyer moved for passage, Councilman Campbell seconded. John McBride, representing the petitioner, explained the request for vacation. Councilman Brown inquired about possible development of the site. Mr. McBride stated that there might be a six-unit apartment constructed. Ordinance 99-46 passed 8-0 on a roll call vote.

Councilman Meyer moved to set a public hearing on Ordinance 99-46 for January 10, 2000, at 7:01 p.m., Councilman Fisher seconded. The motion passed by unanimous voice vote.

The Clerk read Ordinance 99-47 (An Ordinance to Annex Certain Lands into the City of Lafayette, Petitioner, Mark Wastl) by title only for first reading. Councilman Campbell moved for passage, Councilman Fisher seconded. Mr. McBride, representing the petitioner, stated that this is a clean up from a previous annexation. Mr. Burns stated that there would be a fiscal plan distributed prior to the next reading. President Probasco stated that the property is currently an open field. Ordinance 99-47 passed 7-1 on a roll call vote, with the vote being as follows:

Ayes: Boehning, Meyer, Phillips, Campbell, Rhoda, Fisher, Smith  
Nays: Brown

Councilman Campbell moved to set a public hearing on Ordinance 99-47 for March 6, 2000, at 7:01 p.m., Councilman Fisher seconded. The motion passed by unanimous voice vote.

The Clerk read Ordinance 99-48 (An Ordinance to Amend the Zoning Ordinance of Tippecanoe County, Indiana, to Rezone Certain Real Estate, from R3 and I3 to R1U, R3U, and I2, Area Plan Commission, Petitioner) by title only for first and final reading. Councilman Boehning moved for passage, Councilman Smith seconded. Michael Sanders, Area Plan Commission, explained the proposal. Bob Carpenter, 619 South 4<sup>th</sup> Street, spoke

in support of the ordinance. President Probasco thanked Mr. Carpenter for all of his work in his neighborhood. Ordinance 99-48 passed 8-0 on a roll call vote.

The Clerk read Ordinance 99-49 (An Ordinance to Amend the Zoning Ordinance of Tippecanoe County, Indiana, to Rezone Certain Real Estate, from R1B, R3, NB, NBU, GB, I3, and FP to R1U, NBU, GB, CB, I2, I3, and FP, Petitioner, Area Plan Commission, Remapping of the Zoning Districts in the Wabash Avenue Neighborhood) by title only for first and final reading. Councilman Rhoda moved for passage, Councilman Smith seconded. Michael Sanders, Area Plan Commission, explained the proposal. Ordinance 99-49 passed 8-0 on a roll call vote.

The Clerk read Ordinance 99-50 (An Ordinance Establishing the Budget for the Lafayette Railroad Relocation Project for the Fiscal Year Beginning January 1, 2000 and ending December 31, 2000) by title only for first reading. Councilman Campbell moved for passage, Councilman Phillips seconded. Ordinance 99-50 passed 8-0 on a roll call vote.

Councilman Campbell moved to set a public hearing on Ordinance 99-50 for January 10, 2000, at 7:02 p.m., Councilman Boehning seconded. The motion passed by unanimous voice vote.

The Clerk read Ordinance 99-51 (An Ordinance Amending the 1998 Salary Ordinance to Create the Positions of Assistant Project Manager/Architect and Contracts Coordinator and Salary Adjustments within the Railroad Relocation Department) by title only for first reading. Councilman Meyer moved for passage, Councilman Fisher seconded. Sherry McLauchlan stated that these positions have not been reviewed by the wage consultants and would oppose consideration on second reading at this meeting. Ordinance 99-51 passed 8-0 on a roll call vote.

### ***Resolutions:***

The Clerk read Resolution 99-34 (A Resolution Confirming the Designation of an Economic Revitalization Area for Tax Abatement, Petitioner, Siemens Power Transmission & Distribution, Inc.) by title only for first and final reading. Councilman Meyer moved for passage, Councilman Brown seconded. Resolution 99-34 passed 8-0 on a roll call vote.

The Clerk read Resolution 99-35 (A Resolution Establishing a Brownfield Remediation Fund; Designating Agency for Administration; Authorizing Acceptance and Repayment of Loan; and Authorizing the City of Lafayette to Enter into Certain Necessary Agreements) by title only for first and final reading. Councilman Rhoda moved for passage, Councilman Fisher seconded. Councilman Phillips stated that after researching this proposal she supports the resolution. Councilman Rhoda stated that he is in support of the proposal to remove the underground storage tanks. Councilman Campbell inquired about property owner's responsibilities to clean up these situations. Mr. Burns explained the future plans for the site at Main and Kossuth Streets. Councilman Campbell stated that he was concerned with adding additional costs to the property. Councilman Meyer expressed his concern with the amount of the investment in the property. Councilman Meyer stated that he is willing to support the proposal if most of the costs can be recouped. Discussion ensued. Bill Reid, Phase 1 Environmental Engineering, explained the brownfield remediation process. Mr. Reid stated that the property is a simple remediation site. Discussion ensued. Mayor Heath stated that this is an outstanding project to get rid of blight on the neighborhood. Mayor Heath stated that he is optimistic that the funds expended will be recouped. Councilman Brown stated that he initially disagreed with the purchase of this property

and inquired about recouping the entire cost of the property. Mr. Burns stated that the goal is to get all of the funds back. Councilman Rhoda expressed his support for the proposal. Resolution 99-35 passed 8-0 on a roll call vote.

The Clerk read Resolution 99-36 (A Resolution Approving the Detail of the Year 2000 Water and Wastewater Department Budgets, as amended) by title only for first and final reading. Councilman Campbell moved for passage, Councilman Rhoda seconded. Councilman Meyer reiterated his understanding of the action of council on this budget. Resolution 99-36 passed 8-0 on a roll call vote.

Reports of Standing or Special Committees: Councilman Meyer stated that the ordinance committee will take up the noise ordinance issue in 2000 with the new council committee members.

Report by Mayor Heath: Mayor Heath stated that he has enjoyed working with all the council members and stated that Councilman Boehning, Councilman Smith and Councilman Phillips will be missed. Mayor Heath wished everyone Happy Holidays.

Miscellaneous and New Business: President Probasco wished everyone happy and safe Holidays. President Probasco stated that there would be a special meeting on January 3, 2000 at 4:30 p.m. after elected officials are inaugurated to elect new officers and pass the 2000 calendar.

Reports of Councilmen: Councilman Meyer asked that the City Clerk send a letter of congratulations to the Lafayette Central Catholic football team on their win in the state championship. Councilman Meyer also acknowledged the death of Steve Carr and asked that his family be in everyone's prayers. Councilman Boehning stated that she has enjoyed working on council over the years and thanked the citizens for letting her serve the city for 14 years. Councilman Boehning wished everyone all the best. Councilman Campbell commended Councilman Boehning on her job as Councilman. Councilman Campbell also commended Gene Reed, Police Chief, on the success of the Christmas parade in spite of weather. Councilman Campbell acknowledged the fine work by the Fire Department in fighting a recent fire in his district. Councilman Campbell also thanked city workers for making community better place to live. Councilman Fisher stated that he will miss Councilman Smith, Councilman Phillips, and Councilman Boehning and thanked Councilman Boehning for everything. Councilman Smith stated that it had been his pleasure to serve on the city council for 4 years. Councilman Phillips thanked everyone and wished everyone a happy holiday. President Probasco spoke about each of the outgoing councilmen.

Public Comment: Senator Ron Alting commended Councilman Smith and Councilman Phillips for their service. Senator Alting thanked Councilman Boehning for her service. Senator Alting invited Councilman Boehning's family to join him in presenting a Sagamore of the Wabash to Councilman Phyllis Boehning for her years of service to the City of Lafayette, from Governor Frank O'Bannon. Councilman Boehning thanked everyone and wished everyone happy holidays.

There being no further business to come before the Council, Councilman Campbell moved to adjourn, Councilman Fisher seconded. The motion to adjourn passed by unanimous voice vote. Time being 8:20 p.m.

Minutes prepared by Lisa Decker, City Clerk.

*A tape recording of this council meeting is maintained in the City Clerk's Office.*